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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,527	02/28/2002	Gebhard Dopper	99P03591US	9801

7590 09/01/2004

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPT.
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

JOLLEY, KIRSTEN

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/085,527

Applicant(s)

DOPPER, GEBHARD

Examiner

Kirsten C Jolley

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached action.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-10,12,13 and 18-25.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

ADVISORY ACTION

1. The proposed amendments will not be entered because they raise new issues that would require further consideration and/or search, they do not place the application in better form for appeal by material reducing or simplifying the issues for appeal, and because they present additional claims without canceling a corresponding number of finally rejected claims. The proposed amendments newly require obtaining a desired contour line geometry data, inputting the actual geometry data into a control system, and comparing the actual geometry data with the desired contour line geometry data; these are new limitations which have not before been searched or considered.
2. Applicant's arguments filed August 6, 2004 have been considered but they are not persuasive. Applicant argues that Taylor does not teach and would not fairly direct one skilled in the art to prepare a surface by grit blasting such that a uniform roughness is produced. While not specifically suggested by Taylor et al., it remains the Examiner's position that an engineer skilled in the art would have recognized that it is desirable to perform a constant amount of roughening over the entire substrate surface in order to produce a coated surface where the coating is evenly adhered to the entire substrate surface, thereby producing a uniform coating. The concept of and desire for uniform roughening, for reasons of forming uniform coating, would be well understood and well known to an engineer skilled in the art.

Applicant also argues that the requirements to remove ceramic material from a metallic surface using a water jet are very different than the requirements to uniformly roughen a metal surface by grit blasting. While the requirements for a water jet and grit blasting may be

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different, similar principles regarding blasting distance and blasting intensity would apply to both blasting procedures -- grit blasting and water jet blasting. For example, in both grit blasting and water jet blasting, if a first region of the substrate is blasted for a longer period of time or with higher intensity or at a closer distance between the blasting apparatus and surface than a second region, then one skilled in the art would expect that the first region would result in a rougher surface than that blasted for a shorter period of time or with less intensity or from a farther distance.

Applicant argues that one skilled in the art would not turn to the automotive painting industry in order to learn how to uniformly roughen a metal surface by grit blasting. The Examiner maintains the position that one having ordinary skill in the art having seen the reference of Taylor et al., alone or in combination with McComas et al., would have been motivated to look to the prior art for spray systems that are capable of maintaining a uniform spray along an entire surface of a curved substrate, so that the curved blade tip of Taylor et al. may be uniformly grit blasted and coated. Whether spraying coating material or grit, the automatic robot of Kaiba et al. would evenly spray material along a curved contour substrate surface.


Applicant also argues the newly added claim limitations. It is noted that these limitations have not been entered because they would require further search and consideration.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten C Jolley whose telephone number is 571-272-1421. The examiner can normally be reached on Monday to Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck can be reached on 571-272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kirsten C Jolley
Patent Examiner
Art Unit 1762

kcj